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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,144	06/01/2001	Erik K. Jurvis	25039A	3286

22889 7590 03/28/2002

OWENS CORNING  
2790 COLUMBUS ROAD  
GRANVILLE, OH 43023

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/873,144

Applicant(s)  
ERIK K. JURVIS ET AL.

Examiner  
YVONNE M. HORTON

Art Unit  
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 1, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:


A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6,8-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,694,728 to HEATH, Jr. et al. HEATH, Jr. et al. discloses a component (50) for receiving a plurality of siding members (16) for covering the wall (14), column 4, lines 5-6, including an elongated body (52) having first and second receivers (56) on opposing sides of the body (52). In reference to claim 2, the component (50) also includes a fastener receiving sections (54, 60). Regarding claims 3 and 4, the body (52) is bowed, see Figures 2 and 2E-2G and has indicia to simulate logs, column 5, lines 12-17. In reference to claims 5,6,8 and 14, the receivers (56) are U-shaped, column 5, lines 8 and 11, and includes a first wall (FW) and an end wall (W), see the marked-up attachment. Regarding claims 9,10 and 16, the first wall (FW) is integral with the bowed body (52) and the fastener section (54, 60) are elongated relative to the first wall (FW). In reference to claims 12 and 13, the siding members (16) are located both horizontally and vertically in the same plane, see Figure 1. Regarding claim 15, the fastener section (54, 60) receives fasteners (62).

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3. Claims 1,6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,090,174 to FRAGALE. FRAGALE discloses a component for receiving a plurality of siding members (30) for covering the wall including an elongated body (10) having first and second receivers (28) on opposing sides of the body (10). The component includes a first wall (11) and an end wall (W), see the marked-up attachment wherein the endwalls (E) are parallel.
4. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,694,728 to HEATH, Jr. et al. HEATH, Jr. et al. inherently discloses the method for installing a plurality of siding members (16) including the steps of vertically orienting an elongated component (50); inserting the first end of the plurality of siding members (16) into one of a first or second receiver (56); inserting a second end of the plurality of siding members (16) into one of a first or second receiver (56); and affixing the siding members to the wall of a building (14), column 4, lines 55-60. Regarding claim 18, each receiver (56) includes a fastener portion (54, 60) wherein the method further includes placing a fastener (62) through the fastener portion (54, 60).
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.



Yvonne M. Horton  
Patent Examiner  
Art Unit 3635  
March 23, 2002

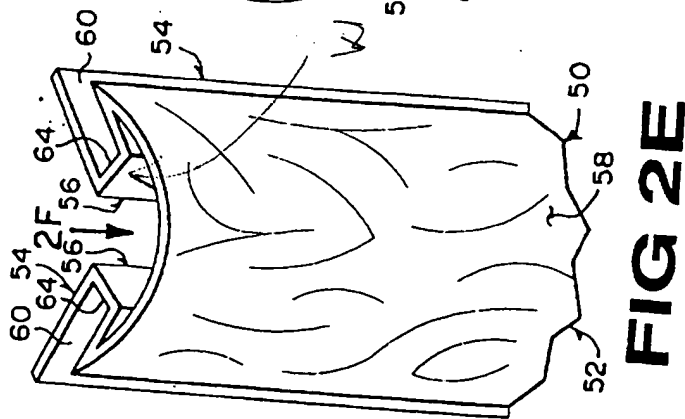


FIG 2F

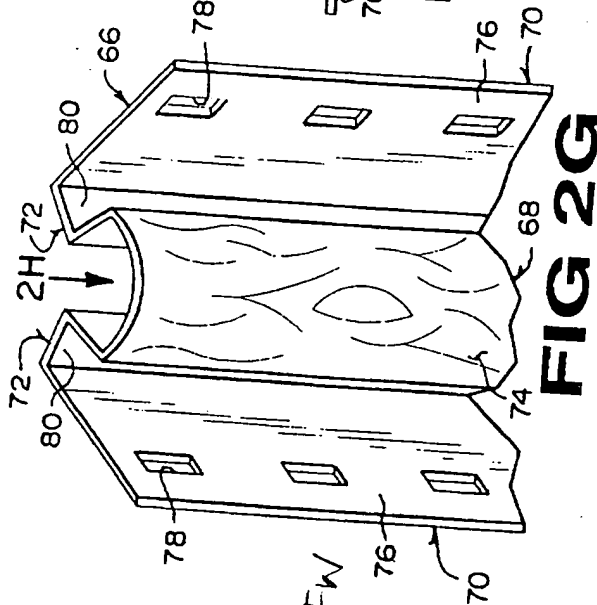


FIG 2H

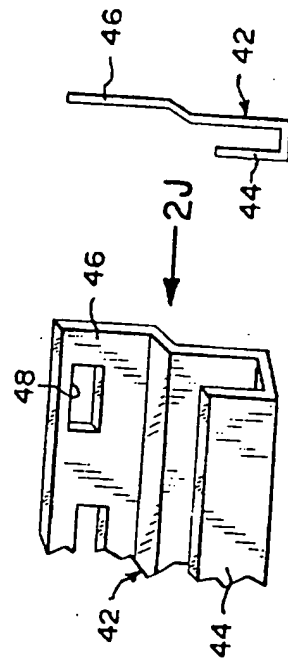


FIG 2J

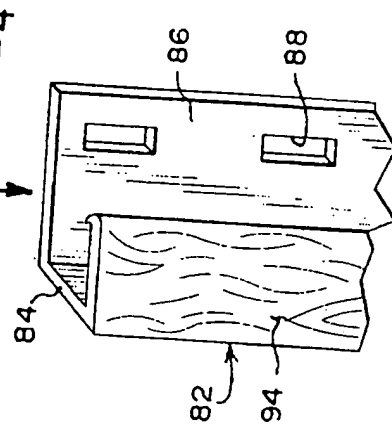


FIG 4

